

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6403 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

TRIVEDI HIMATLAL VAJESHANKAR

Versus

JANI HARIPRASAD NAROTTAMDAS

Appearance:

MR GAURANG H BHATT for Petitioners

MR PJ YAGNIK for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 08/05/96

ORAL JUDGEMENT

1. The appellants of this First Appeal were the opponents No. 7(1) to (4) in Civil Misc. Application No. 36 of 1989 in the court of Civil Judge, Senior Division, Surendranagar and they offered obstruction under Order 21 Rule 97 of the Code of Civil Procedure against execution of judgment and decree passed in Spl. Civil Suit No. 223 of 1960. The obstructions which were filed came to be dismissed by common judgment and order dated 20th September, 1995 by executing court and hence they have preferred this First Appeal.

2. During the pendency of this First Appeal, since there was settlement between the decree holder on the one hand and opponents No. 8 to 11 in Civil Misc. Application, who were the opponents in possession of the respective shops, the opponent No. 7 who claimed to be the owner of respective shops as per registered sale deed does not press this First Appeal and seeks permission to withdraw this First Appeal. The appellants are represented before this Court by Advocate G.H. Bhatt and appellant No. 2 Yogesh Himatlal Trivedi is present in the court. He states before the court that he is the power of attorney holder of all the appellants and he has the authority to settle or withdraw the present appeal. He, therefore, seeks permission to withdraw the present First Appeal and the First Appeal is therefore disposed of as withdrawn.

3. Since the decree holder as per settlement has agreed to transfer their right, title and interest in the four shops to original opponents No. 8 to 11, the present appellants have no objection to such right, title and interest being transferred for consideration to opponents No. 8 to 11.

4. In the result, the First Appeal stands disposed of as withdrawn. No costs.
